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| FORM PTO-1390<br>(REV. 10-2003)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                           | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE |                                       | ATTORNEY'S DOCKET NUMBER<br>C048549/0180225                                         |
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A FILING UNDER 35 U.S.C. 371</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                           |                                                         |                                       | U.S. APPLICATION NO. (If known, see 37 CFR 1.5<br>Not yet assigned <b>10/506583</b> |
| INTERNATIONAL APPLICATION NO.<br>PCT/EP03/02328                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | INTERNATIONAL FILING DATE<br>6 March 2003 |                                                         | PRIORITY DATE CLAIMED<br>7 March 2002 |                                                                                     |
| <b>TITLE OF INVENTION</b><br>MEDICAMENTS CONTAINING ACTIVE INGREDIENTS WHICH LOWER THE LEVEL OF CHOLESTEROL WITH TIME-DELAYED ACTIVE INGREDIENT RELEASE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                           |                                                         |                                       |                                                                                     |
| <b>APPLICANT(S) FOR DO/EO/US</b><br>Peter KRAAIS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                           |                                                         |                                       |                                                                                     |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                           |                                                         |                                       |                                                                                     |
| <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li><input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li><input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> has been communicated by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> is attached hereto.</li> <li><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li><input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li><input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> |                                           |                                                         |                                       |                                                                                     |
| <b>Items 11 to 20 below concern document(s) or information included:</b> <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li><input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input checked="" type="checkbox"/> A preliminary amendment.</li> <li><input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li><input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li><input checked="" type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li><input checked="" type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li><input checked="" type="checkbox"/> Other items or information:<br/>Copy of the International Search Report (3 pp.); Copy of the International Preliminary Examination Report (7 pp.); Certificate of Express Mailing (1 p.); and Return Postcard.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                           |                                                         |                                       |                                                                                     |

101506583  
U.S. APPLICATION NO. (if known, 37 CFR 1.5)INTERNATIONAL APPLICATION NO.  
PCT/EP03/02328ATTORNEY'S DOCKET NUMBER  
C048549/018022521.  The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. .... \$1080.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$920.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$770.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$730.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =****CALCULATIONS PTO USE ONLY**

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 920.00

| CLAIMS                                      | NUMBER FILED | NUMBER EXTRA | RATE      | \$         |
|---------------------------------------------|--------------|--------------|-----------|------------|
| Total claims                                | 33 - 20 =    | 13           | x \$18.00 | \$ 234.00  |
| Independent claims                          | 1 - 3 =      | 0            | x \$86.00 | \$ 0.00    |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) |              |              |           | + \$290.00 |

| <b>TOTAL OF ABOVE CALCULATIONS =</b> |  |  |  | \$ 1,154.00 |
|--------------------------------------|--|--|--|-------------|
|--------------------------------------|--|--|--|-------------|

|                                                                                                                              |    |
|------------------------------------------------------------------------------------------------------------------------------|----|
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | \$ |
| <b>SUBTOTAL =</b> \$ 1,154.00                                                                                                |    |

|                                                                                                                                                   |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | \$ 0.00 |
| <b>TOTAL NATIONAL FEE =</b> \$ 1,154.00                                                                                                           |         |

|                                                                                                                                                                          |         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + | \$ 0.00 |
| <b>TOTAL FEES ENCLOSED =</b> \$ 1,154.00                                                                                                                                 |         |

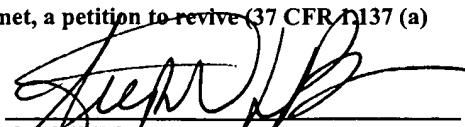
|                               |    |
|-------------------------------|----|
| <b>Amount to be refunded:</b> | \$ |
| <b>charged:</b>               | \$ |

- a.  A check in the amount of \$ 1,154.00 to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 02-4467 in the amount of \$ 1,154.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

Stephen M. Haracz, Esq.  
BRYAN CAVE LLP  
1290 Avenue of the Americas  
New York, NY 10104-3300  
Tel.: (212) 541-2000  
Fax: (212) 541-4630

  
SIGNATURE

Stephen J. Brown

NAME

43,519

REGISTRATION NUMBER

Docket No. C048549/0180225

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE ACTING AS DESIGNATED/ELECTED  
OFFICE (DO/EO/US) UNDER THE PATENT COOPERATION TREATY CONCERNING A FILING  
UNDER 35 U.S.C. § 371**

In re International Application of: )  
Peter KRAAB ) Examiner: Not Yet Assigned  
Based on International Application No.: PCT/EP03/02328 ) Art Unit: Not Yet Assigned  
International Application Filing Date: 6 March 2003 )  
For: **MEDICAMENTS CONTAINING ACTIVE INGREDIENTS  
WHICH LOWER THE LEVEL OF CHOLESTEROL WITH  
TIME-DELAYED ACTIVE INGREDIENT RELEASE** )

New York, NY

**CERTIFICATE OF EXPRESS MAILING**

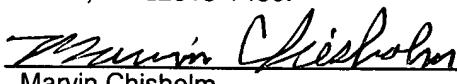
"Express Mail" Mailing Label No.: **ER 930263901 US**

Date of Deposit: September 3, 2004

I hereby certify that the following:

- Certificate of Express Mailing (1 pg);
- Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. § 371 (2 pp.) in duplicate;
- Copy of International Application as filed (23 pp);
- Copy of English Translation of the International Application with one drawing figure (29 pp.);
- Information Disclosure Statement and PTO Form-1449 (5 pp., including duplicate pg. 3), and copies of references;
- Preliminary Amendment (16 pp, incl. dupl. p 1);
- Second copy of the Published International Application Under 35 U.S.C. 154(d)(4) (25 pp.);
- Second copy of the English translation of the International Application (29 pp.);
- International Search Report (3 pp.);
- International Preliminary Examination Report (7 pp.);
- Check in the amount of \$1,154.00 to cover filing fee; and
- Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the Date of Deposit indicated above in an envelope addressed to Mail Stop PCT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Marvin Chisholm  
Signature of Person Making Deposit

BRYAN CAVE LLP  
1290 Avenue of the Americas  
New York, New York 10104  
(212) 541-2000